REMARKS

Status of the Claims

Claims 1, 3-19, and new claim 20 are pending, with claim 1 being independent. Claims 1, 4, 5, 8-12, 16, 18, and 19 have been amended to even more clearly recite and distinctly claim the present invention. New claim 20 has been added. Support for the claim amendments and new claim may be found throughout the specification, including, for example, in the original claims. Therefore, no new matter has been added. In order to expedite prosecution, claim 2 has been canceled without prejudice to or disclaimer of the subject matter contained therein.

Claims 8 and 11 are indicated as objected to on the Office Action Summary form (PTOL-326). As claims 8 and 11 have not been rejected in the Office Action, Applicants would like to thank the Examiner for indicating that claims 8 and 11 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112

Claim 12-19 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter because claim 12 recites the limitation "a composition according to the invention". In order to expedite prosecution, claim 12 has been amended to replace the phrase "a composition according to the invention" with "a composition according to claim 1". Accordingly, Applicants respectfully submit that the rejection of claims 12-19 under 35 U.S.C. § 112, second paragraph has been obviated and respectfully request that the rejection be withdrawn.

Double Patenting

Claims 1-7 and 9 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9 of copending Application No. 10/478,861. Applicants believe that the present claims are patentable over the claims of copending Application No. 10/478,861. However, in order to expedite prosecution a Terminal Disclaimer is being filed herewith. The filing of the Terminal Disclaimer herewith obviates the

rejection of the present claims under the judicially created doctrine of obviousness-type double patenting over the claims of copending Application No. 10/478,861.

The filing of a Terminal Disclaimer is not to be construed as an admission of the propriety of the rejection on obvious double patenting. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

Claim Rejections Under 35 U.S.C. § 103

Claims 1 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 4,942,024 ("Sasaki"). Claim 10, which is dependent upon claim 1, is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sasaki as applied to claims 1 and 7, and further in view of U.S. Patent No. 4,978,432 ("Schmeling"). Applicants respectfully disagree with these rejections; therefore, the rejections are respectfully traversed. However, without conceding the propriety of the rejection, claim 1 has been amended to incorporate the elements of original claim 2 in order to expedite prosecution.

Sasaki discloses a method of refining hydroxides of niobium or tantalum by dissolving the hydroxide in either hydrofluoric acid or oxalic acid, adjusting the pH of the obtained solution to 1 to 4, maintaining the temperature of the solution not higher than 60° C, adding ammonium pyrolidinedithiocarbamate, removing the precipitate, and then raising the pH of the solution to a value not lower than 6 to cause precipitation of refined hydroxide of niobium or tantalum. (Col. 1, lines 48-66). Therefore, after the refining treatment in Sasaki, a refined hydroxide of niobium or tantalum is the precipitated end product. (Col. 1, lines 7-66).

Applicants respectfully submit that Sasaki does not disclose or suggest a composition for ***an anodizing treatment of a magnesium alloy***, wherein the composition comprises an aqueous solution, containing a niobium salt and hydrofluoric acid, the pH of which solution is maintained at a value between 7 and 10, and ***wherein the niobium salt is an oxide or fluoride***.

As noted above, without conceding the propriety of the rejection, claim 1 has been amended to incorporate the elements of original claim 2 in order to expedite prosecution. As claim 2 has not been rejected, Applicants respectfully submit that the rejections over claims 1, 7, and 10 under 35 U.S.C. § 103(a) have been obviated. Therefore, for at least the foregoing reasons, Applicants respectfully request that the obviousness rejection of claims 1, 7, and 10 be withdrawn.

Conclusion

Without conceding to the propriety of the rejections, the claims have been amended as provided above, to even more clearly recite and distinctly claim Applicants' invention and to pursue an early allowance. For the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present invention as defined by the claims.

In view of the foregoing remarks and amendments, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,
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